UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,483	10/31/2000	Daniel Guy Stephens JR.	191406-1010	9819

7590   01/30/2006

MALLOY & MALLOY PA
C/O John Fulton Jr
2800 S W Third Avenue
Miami, FL 33129

EXAMINER
KLIMACH, PAULA W

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 November 2005</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>59-78</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>59-78</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 11/10/05 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making
> and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it
> pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode
> contemplated by the inventor of carrying out his invention.

Claims 59-78 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the written description requirement. The claim(s) contains subject matter which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention. The claims (59, 64, 71, and 72) refer to the inbound port that is structured to permit

remote access to the administrative machine and an outbound port that is structured to prevent

remote access to the administrative machine. However the specification discloses only the pull

operation wherein the gateway server checks whether the mail server has an email, containing

configuration data, for the gateway server. Although the description of page 7 lines 1-2

discloses, "no open port is required," the email process disclosed later on page 7 lines 3-9,

requires an open port to, as a minimum, receive the emailed configuration. On page 8 line 6, the

applicant discloses that no port is "left open"; lines 13-17 disclose that the polling of the mail server by the gateway site allows for greater security because there is now no need for the gateway site to keep a port open. The disclosure suggests that since the gateway polls for email containing the configuration data then it only opens the port for the email process and then closes it. Further the applicant's disclosure describes the transmission, via email, from the administration to the gateway (page 12 lines to page 13 lines 12). Therefore the disclosure does not disclose the inbound port that is structured to permit remote access to the administrative machine and an outbound communication port that is structured to prevent remote access to the administrative machine. This means of communication creates a contradiction. Since the device structured such that there is an inbound port that permits access to the administrative machine as a whole and the outbound communication port is structured to prevent remote access to the administrative machine, as a whole. Since the inbound and the outbound ports, disclosed in the new claims, are working against each other they have not been described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 59-78 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. As disclosed above the specification does not disclose the inbound and outbound ports as defined in the claims 59, 64, 71, and 72.

The applicant especially does not describe the two contradictions created by using the outbound port and the inbound port in such a way as to enable on skilled in the art to make or use the invention. The first contradiction was the port connections that both permit access and prevent access to the administrative machine. The second contradiction is that the claims recite transmitting the encrypted file from the administration machine to the Email Server, however the outbound port of administration machine prevents access to the administrative machine. Further the, claims recite the outbound port of the gateway server preventing access to the gateway server, however the email server sends the encrypted file to the Gateway server using the outbound port.

In reference to claims 62 and 68 and 73, wherein the network interface is further structured such that no inbound communication port is open at the administrative machine to transmit the encrypted file to the remote email server. The applicant discloses the ports do not remain open as discussed earlier. However the applicant does not disclose no inbound communication port is open at the administrative machine. This does not explain how the Administrative machine sends the encrypted file to the email server as discussed earlier.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 59-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frailong in

view of the book by Stallings (Network and Internetwork Security) and further in view of Daniel

(6,272,549).

In reference to claims 59 and 71, Frailong suggests a secure system for configuring

remote networked devices and gateway servers, comprising: an administration machine

structured to create, update and maintain a configuration data file (column 5 lines 23-32 and

column 12 lines 5-13), the administration machine comprising a storage device structured to

temporarily store the configuration data file (column 10 lines 1-3), the administration machine

further structured to retrieve the configuration data file from the storage device (column 5 lines

15-23), the administration machine further comprising a network interface structured to interface

with a network (column 12 lines 5-9) the administrative machine further structured to transmit

the encrypted file to a remote email server (column 7 lines 60-63 and column 14 line 63 to

column 15 line 15); a remote email server structured to receive the encrypted file from the

administration machine and to temporarily store the encrypted file (column 15 lines 16-21); a

remote gateway server comprising a remote network interface structure to interface with the

network (column 6 lines 19-26), the remote network interface comprising at least one remote

inbound communication port and at least one remote outbound communication port (column 6

lines 26-29), the remote network interface is further structured to retrieve the encrypted file from

the remote email server (column 15 lines 64-67), the remote gateway server further comprising a

remote storage device to store the encrypted file (column 5 line 58 to column 6 line 18), the

remote gateway server structured to access the encrypted file from the remote storage device and

decrypt the encrypted file to generate a decrypted configuration data file (column 5 lines 41-56),

the remote gateway server further structured to reconfigure at least one configuration parameter

of the remote gateway server in accordance with the decrypted configuration data file (column 8

lines 35-62).

However Frailong does not disclose compressing the file before sending it.

Stallings discloses compressing the message to save space for e-mail transmission (page

366) and further encryption applied after compression.

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to compress the data for e-mail transmission as disclosed by Stalling in the system

of Frailong. One of ordinary skill in the art would have been motivated to do this because

compression would save space for email transmission (page 366).

Although Frailong suggests the use of email to send messages (configuration data) to the

gateway server, Frailong does not disclose an inbound (input) and output (outbound) ports.

However, as disclosed above, the applicant claims ports that have contradictory functions.

Therefore, to continue prosecution, the examiner assumes that the applicant meant that the

administration machine and the gateway server have a communication interface for receiving and

sending messages using ports. The device opens the ports in order to receive email, including

the configuration. Then closes the port after the messages have been received or sent.

Frailong does not expressly disclose opening and closing the ports to receive the email,

configuration data, and when the email is received.

Daniel discloses sending data packets using email (column 3 lines 42-49). Daniel further

discloses creating, and therefore opening, input (inbound) and output (outbound) ports (column 7

lines 51-60). Then after the TCPEmail process the ports are deleted and therefore closed

(column 8 lines 45-51).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to open the ports when receiving email and then closing them when the process is complete as in the system of Daniel in the system of Frailong. One of ordinary skill in the art would have been motivated to do this because closing the ports would free the memory (Daniel column 8 lines 51-52).

In reference to claim 64, Frailong suggests a secure system for configuring remote networked devices and gateway servers, comprising: an administration machine structured to create, update and maintain a configuration data file (column 5 lines 23-32 and column 12 lines 5-13), the administration machine comprising a storage device structured to temporarily store the configuration data file (column 10 lines 1-3), the administration machine further structured to retrieve the configuration data file from the storage device (column 5 lines 15-23), the administration machine further comprising a network interface structured to interface with a network (column 12 lines 5-9) the administrative machine further structured to transmit the encrypted file to a remote email server (column 7 lines 60-63 and column 14 line 63 to column 15 line 15); a remote email server structured to receive the encrypted file from the administration machine and to temporarily store the encrypted file (column 15 lines 16-21); a remote gateway server comprising a remote network interface structure to interface with the network (column 6 lines 19-26), the remote network interface comprising at least one remote inbound communication port and at least one remote outbound communication port (column 6 lines 26-29), the remote network interface is further structured to retrieve the encrypted file from the remote email server (column 15 lines 64-67), the remote gateway server further comprising a remote storage device to store the encrypted file (column 5 line 58 to column 6 line 18), the

remote gateway server structured to access the encrypted file from the remote storage device and

decrypt the encrypted file to generate a decrypted configuration data file (column 5 lines 41-56),

the remote gateway server further structured to reconfigure at least one configuration parameter

of the remote gateway server in accordance with the decrypted configuration data file (column 8

lines 35-62). Frailong discloses a remote network device structured to retrieve the at least one

file from the remote staging platform in response to a polling of the remote staging platform by

the at least one remote network device (column 15 lines 64-67 and Fig. 10).

However Frailong does not disclose compressing the file before sending it.

Stallings discloses compressing the message to save space for e-mail transmission (page

366) and further encryption applied after compression.

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to compress the data for e-mail transmission as disclosed by Stalling in the system

of Frailong. One of ordinary skill in the art would have been motivated to do this because

compression would save space for email transmission (page 366).

Although Frailong suggests the use of email to send messages (configuration data) to the

gateway server, Frailong does not disclose an inbound (input) and output (outbound) ports.

However, as disclosed above, the applicant claims ports that have contradictory functions.

Therefore, to continue prosecution, the examiner assumes that the applicant meant that the

administration machine and the gateway server have a communication interface for receiving and

sending messages using ports. The device opens the ports in order to receive email, including

the configuration. Then closes the port after the messages have been received or sent.

Frailong does not expressly disclose opening and closing the ports to receive the email,

configuration data, and when the email is received.

Daniel discloses sending data packets using email (column 3 lines 42-49). Daniel further

discloses creating, and therefore opening, input (inbound) and output (outbound) ports (column 7

lines 51-60). Then after the TCPEmail process the ports are deleted and therefore closed

(column 8 lines 45-51).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to open the ports when receiving email and then closing them when the process is

complete as in the system of Daniel in the system of Frailong. One of ordinary skill in the art

would have been motivated to do this because closing the ports would free the memory (Daniel

column 8 lines 51-52).

In reference to claims 60 and 65-66, wherein the network interface is further structured to

transmit the encrypted file to the remote email server through the at least one outbound

communication port of the administrative machine via standard mail transfer protocol.

Daniel discloses using SMTP to transmit the data between computer systems (column 8

lines 32-38).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to open the ports when receiving email and then closing them when the process is

complete as in the system of Daniel in the system of Frailong. One of ordinary skill in the art

would have been motivated to do this because closing the ports would free the memory (Daniel

column 8 lines 51-52).

In reference to claims 61 and 67, wherein the remote network interface is further

structured to retrieve the encrypted file from the remote email server through the at least one

remote outbound communication port of the remote gateway server via standard mail transfer

protocol.

Frailong discloses the transmission of the encrypted file from the ISP (which provides

email services) to through the at least one remote outbound communication port of the remote

gateway server (column 6 lines 19-32).

Daniel discloses using SMTP to transmit the data between computer systems (column 8

lines 32-38).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to open the ports when receiving email and then closing them when the process is

complete as in the system of Daniel in the system of Frailong. One of ordinary skill in the art

would have been motivated to do this because closing the ports would free the memory (Daniel

column 8 lines 51-52).

In reference to claims 63 and 70, wherein the remote gateway server is further structured

to periodically poll the remote server to identify an encrypted file to be retrieved from the remote

email server by the remote gateway server (Part 1016 Fig. 10).

In reference to claim 69, wherein no direct communication pathway is established

between the administrative site and the remote network device to transmit or retrieve the at least

one file via standard mail transfer protocol (column 4 lines 58-67).

In reference to claims 62 and 68 wherein the network interface is further structured such

that no inbound communication port is open at the administrative machine to transmit the

encrypted file to the remote email server. Due to the contradictions discussed in the 35 U.S.C.

112 rejection above, claims 62 and 68 are rejected as the claim 60. Therefore the examiner

assumes that there is a port that is open to send the information to the remote email server.

Claims 72-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frailong in

view of Stallings and further in view of Daniel as rejected in claim 59 and further in view of

Smith (6,532,543).

In reference to claim 72, Frailong, Stalling, and Daniel disclose the claimed subject

matter as discussed in claim 59.

However neither Frailong, Stallings, and Daniel discuss creating a configuration database

with encrypted data from the configuration database to produce and encrypted file.

Smith discloses a method for securely configuring remote networked devices, comprising

the steps of: creating a configuration database (column 17 lines 34-38); encrypting data from the

configuration database to produce an encrypted file (column 22 lines 24-28); transmitting the

encrypted file to a remote device (column 22 lines 24-26).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to create a database as in the system of Smith in the system of Frailong. One of

ordinary skill in the art would have been motivated to do this because databases are methods of

organizing data in a convenient and easy way.

In reference to claim 74, wherein no direct communication pathway is established

between the administrative site and the remote network device to transmit or retrieve the at least

one file via standard mail transfer protocol (column 4 lines 58-67).

In reference to claim 75, further comprising the step of creating a confirmation message

upon successful reconfiguration of the remote gateway server (Fig. 12).

In reference to claim 76, further comprising the step of transmitting the confirmation

message from the remote gateway device to the remote email server through the at least one

remote outbound communication port of the remote gateway device via standard mail transfer

protocol

Frailong discloses transmitting the confirmation message (Fig. 12).

Frailong does not expressly disclose the use of SMTP.

Daniel discloses using SMTP to transmit the data between computer systems (column 8

lines 32-38).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to open the ports when receiving email and then closing them when the process is

complete as in the system of Daniel in the system of Frailong. One of ordinary skill in the art

would have been motivated to do this because closing the ports would free the memory (Daniel

column 8 lines 51-52).

In reference to claim 77, further comprising the step of retrieving the confirmation

message from the remote email server by the administrative site through the at least one

outbound communication port of the administrative site via standard mail transfer protocol.

Frailong discloses retrieving the confirmation message (Fig. 12).

Frailong does not expressly disclose the use of SMTP.

Daniel discloses using SMTP to transmit the data between computer systems (column 8

lines 32-38).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to open the ports when receiving email and then closing them when the process is

complete as in the system of Daniel in the system of Frailong. One of ordinary skill in the art

would have been motivated to do this because closing the ports would free the memory (Daniel

column 8 lines 51-52).

In reference to claim 78, further comprising the steps of generating a configuration

failure message at the administrative site when no confirmation message is retrieved from the

remote email server within a predetermined time period after transmittal of the encrypted file and

transmitting the configuration failure message from the administrative site through the at least

one outbound communication port to a remote gateway device manager via standard mail

transfer protocol.

Frailong discloses generating a confirmation failure message at the gateway site which is

sent to remote server (Fig. 12).

Frailong does not expressly disclose the use of SMTP.

Daniel discloses using SMTP to transmit the data between computer systems (column 8

lines 32-38).

At the time the invention was made, it would have been obvious to a person of ordinary

skill in the art to open the ports when receiving email and then closing them when the process is

complete as in the system of Daniel in the system of Frailong. One of ordinary skill in the art

would have been motivated to do this because closing the ports would free the memory (Daniel

column 8 lines 51-52).

In reference to claim 73 wherein the network interface is further structured such that no

inbound communication port is open at the administrative machine to transmit the encrypted file

to the remote email server. Due to the contradictions discussed in the 35 U.S.C. 112 rejection

above, claims 73, the examiner assumes that there is a port that is open to send the information to

the remote email server. Daniel discloses using SMTP to transmit the data between computer
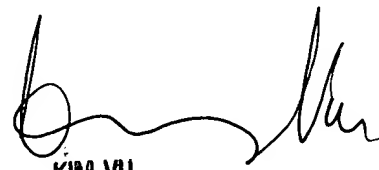
systems (column 8 lines 32-38).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854.

The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK
Monday, January 23, 2006

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100